

CITY OF NEWBERG CITY COUNCIL MINUTES
NOVEMBER 7, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. The Planning Department showcased their Planners in Schools Program with presentations from the students. All Councilors and the Mayor were present; no action was taken; and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Marc Shelton	Wade Witherspoon	Bart Rierson	<i>(arrived at 6:10 PM)</i>

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Leah Griffith, Library Director	Chris Bolek, Police Captain
	Janelle Nordyke, Finance Director	Norma I. Alley, City Recorder
	Nathan James, Police Officer	Jennifer Nelson, Minutes Recorder

Others

Present: Hank Grum, Pat Haight, Mike Ragsdale, Robert Soppe, Elizabeth Pérez Anderson, and Geoff Godfrey

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. APPOINTMENTS

Consider a motion appointing Elizabeth Pérez Anderson to the Library Board for a term expiring June, 2012.

<p>MOTION: Andrews/Shelton appointing Elizabeth Pérez Anderson to the Library Board for a term expiring June, 2012. Motion carried (7 Yes/0 No).</p>

V. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of the Governor's Regional Solutions Team holding its first meeting on December 6, 2011, to help with economic development; he will be attending to see what it is about and if Newberg can benefit from participating. A test of the National Emergency Broadcast System will occur on Wednesday, November 9, 2011, at 11:00 AM; Newberg is not participating at the local level other than getting the word out. He spoke of an upcoming meeting for the County's ten year program to end homelessness, gave updates to the Hwy219 intersection improvement project with the Oregon Department of Transportation (ODOT); reported staff will be picking up one repaired ambulance this week; stated the remodel at Fire Station 20 is underway; said the upcoming Citizens' Rate Review Committee (CRRC) meeting will wrap up water rate discussions; gave updates to improvements on the railroad tracks at College Street for pedestrian crossing; and announced city offices will be closed for the Veterans' Day holiday on Friday, November 11, 2011.

VI. PUBLIC COMMENTS

Mr. Hank Grum provided testimony regarding the City's website posting on Frequently Asked Questions (FAQs), conversations he had with the city attorney about not being able to discuss politics and the whole truth, and spoke to the Council about reflecting on values, the division of labor, the political branch of philosophy, and avoiding the omission of facts in official documents. He encouraged Council to understand the underlying values and pursue them (see official meeting packet for full written testimony).

Councilor Bart Rierson expressed his appreciation for Mr. Grum's concerns with what goes on. He questioned the email he sent to Council regarding omission of facts in election material and if the information Mr. Grum provided may have missed some information the City felt was important as well, like the fact an election would have to be held within thirty days. He said people can disagree and not everyone shares the same values.

Councilor Ryan Howard said he appreciates that Mr. Grum does not agree with them or recognize the distinction between legislative and administrative process. Mr. Grum referred to the CRRC minutes from 2009 describing how to make the administrative process protected from the legislative actions. Councilor Howard continued by saying he recognizes Mr. Grum does not like the distinction between the two but the Charter differentiates those things for a reason. He added while he understands his concern the City did not express themselves clearly enough, he does not agree with Mr. Grum's characterization of people opposing his measure as being in opposition of his right to vote.

Councilor Stephen McKinney spoke of the long practice of city government to allow citizens to bring items to a vote and the difficulty of understanding some of the points of Mr. Grum's disagreement. He said the measure is poorly written and promises made to citizens who promised to support it regarding the Charter were not factual. He spoke of the evolution of the City's Charter and the respect many citizens have for it. He sympathized with Mr. Grum's hurt feelings but felt he was laying blame on city staff and the Council for the fact the measure was not written clearly and will lead to thousands of dollars spent to make up for this if it passes. He said it was their duty to protect the Constitution of the United States, the State of Oregon, the Charter of the City of Newberg, and the electorate, which is why he is hoping for a favorable result in opposition to the measure tomorrow.

Mr. Terry Mahr, City Attorney, said he did have a conversation with Mr. Grum who asked what happened to the oath "to tell the whole truth and nothing but the truth" to which he responded that is an oath only on television; it was not to say he was not telling the truth. He also stated as an employee of the City he cannot make statements for or against a measure because that would be a political statement. He felt his responses were not accurately portrayed.

Councilor McKinney added the legal department used due diligence to make the right statement of argument regarding the measure which was vetted by the State as factual. He said he was proud of the City Attorney for exercising all precaution to make the right statement and be as unbiased as he could.

Ms. Pat Haight spoke about a request she made to get information on the League of Oregon Cities (LOC) Conference recently attended by Council and staff. She asked why no plan for a report to be given by anyone on this. She felt since money is spent to be a member of the LOC and to attend these conferences, those attending should come back and give a report on what was studied so the people know where their money is being spent. She spoke of the Council needing to straighten their heads out on some of the people that work for this city and if they do not start including people then no businesses will want to come here. She said if they were going off on secret meetings, then she wants to know how much is costs; she told them to just tell her what they are doing with our money and she is expecting a report on the LOC meetings.

Mayor Andrews said Ms. Haight was premature in her anger as there are plans to report to council.

Councilor Rierson added he understood her anger but did not agree with her characterizations of the Council having secret meetings. He also agreed there are angry citizens, but there are also citizens who are pleased with how they work and the direction they are going.

Councilor Howard agreed just because they have not provided a report to citizens it should not be assumed they have secret meetings; he said he has given a report to everyone who has asked him and they were enthusiastic about what was learned, like focusing on emergency preparedness for example. Ms. Haight said if everyone gave a little talk like that it would be fine.

Councilor Denise Bacon added she received information about working with the Latino community and Red Cross to develop a plan to reach people and understand types of emergencies and different reactions based on cultural values. Ms. Haight asked if it was unfair for her to ask for something like this. Councilor Bacon said it was not unfair.

Mayor Andrews closed the discussion stating the message was received and reports are coming; however, regarding the details of the public records issues he would leave in the hands of the city manager. Mr. Danicic said he did say there was not a plan to present anything and that was a miscommunication on his part.

Mr. Mike Ragsdale gave a report on the activities and success of the recent Halloween events downtown supported by the Newberg Downtown Coalition (NDC) and the Chehalem Park and Recreation District (CPRD). He recognized the organizational efforts made by the Library Director Leah Griffith and many other volunteers. Councilor McKinney added his appreciation for Mr. Ragsdale's time and efforts with the NDC and mentioned kudos being given from the head of the farmers' market in McMinnville about what he is doing for Newberg.

Mr. Robert Soppe asked Council about the statement made about the proposed measure that "10% of the city can challenge any legislation" and if they thought it was misleading; he asked Councilor Rierson about a comment he made about not thinking council meetings were "appropriate forums for discussion" and wondered what he thought was an appropriate forum; and he also asked what were the specific Councils and agreements referred to by Councilors regarding the animal shelter (see official meeting packet for full written testimony).

Councilor Bacon spoke to the first question and explained why she was willing to sign the statement. She said it was her understanding water rates cannot be included because of bonding issues and indebtedness and if the citizens felt a desire to change how we did that it could be an issue. She said this makes her believe the statement is true. Mr. Soppe said technically it is. Councilor Bacon added there were only 225 words allotted for the statement to include all points, this does not allow for in depth explanation.

Councilor Howard added it is a technical issue and that is why he was supporting the statement and said this is a good example of why not every issue is appropriate to send since not everyone will understand the distinction in the Charter. He said it may have been worded differently, but they were limited.

Councilor McKinney said he was glad to sign because it was defending the Charter and CRRC was an example within that writing; he said the Council is in unanimous defense of the Charter which has served the community so well.

Councilor Rierson stated he could get back to Mr. Soppe in regards to his questions on the animal shelter, but it would not matter to him if those promises had been made, he still would have supported it. Mr. Mahr spoke of a memo of understanding requested by Mr. Soppe being unsigned and there for technically the promises were not made and continued with some background on conversations between past Councils and city managers that may have led to them being unsigned, there was nothing binding, but it was just to continue a good working

relationship. Mr. Soppe emphasized he has concerns with Council citing something when they are not sure if it even exists and he cautioned them from making those kind of references.

Councilor Rierson continued by addressing Mr. Soppe's other concern regarding appropriate forums for discussion saying the Council takes public comments but it is not a forum for deliberation and as this is a business meeting there is a lot of stuff to get done which is why they only allow five minutes per speaker. Mr. Soppe stated they have a difference in opinion and the public needs to be encouraged to participate more.

Councilor McKinney commented on the discussion regarding a record of context and validity of previous council's discussions; he said it is a matter of how he can present something to his neighbors and they trust the city attorney as an excellent source of information to provide a long history of context. Mr. Soppe agreed he always found Mr. Mahr to be useful and competent, but promises and agreements are different from encouragement.

Mayor Andrews agreed that Mr. Soppe's questions touched onto something worth the consideration of the Council and they are not unwilling to listen; he thanked him for his comments.

Ms. Leah Griffith, Library Director, introduced Elizabeth Pérez Anderson to the Council as the newly appointed member to the Library Board. Council thanked her for her willingness to serve. Ms. Pérez Anderson stated the library is amazing and sitting through this meeting has been very educational for her.

VII. CONSENT CALENDAR

Consider a motion approving September 19, 2011, City Council minutes.

MOTION: **Shelton/Bacon** approving the City Council minutes from September 19, 2011, as amended. Motion carried (7 Yes/0 No).

VIII. PUBLIC HEARINGS

Consider a motion approving **Resolution No. 2011-2973** approving Supplemental Budget #1 for the 2011-2012 Fiscal Year.

TIME – 8:05 PM

Mayor Andrews introduced the resolution and called for conflicts of interest or abstentions; none appeared.

Ms. Janelle Nordyke, Finance Director, presented the staff report (see official meeting packet for full report).

Councilor McKinney asked staff about the financial impact and the difference in figures. Ms. Nordyke said some increases were not expected and they were pleasantly surprised to see more revenue than anticipated, there was also a reduction in the general fund spending because they waited to fill vacant positions. She added this will still be a challenging fiscal year and some of those reductions in spending will need to be spent this year.

Mayor Andrews opened and closed the public testimony. Staff recommended adoption.

MOTION: **Shelton/Witherspoon** approving **Resolution No. 2011-2973** approving Supplemental Budget #1 for the 2011-2012 Fiscal Year.

Councilor Rierson said he understands it is a required process but felt it was frustrating to have estimates that far off. There have been a lot of sacrifices made, including staff, because of those projections and he hoped we would not have to do this again, especially for this amount.

Councilor Marc Shelton clarified with staff the additional revenue was because of the Transient Lodging Tax (TLT) and a representation of the savings from expenditures not made and he feels good the Budget Committee is aware this is where we are heading. The other savings for departments was not revenue generation, instead it was frugal spending.

Councilor McKinney spoke briefly with staff about fund 33 on page 19 regarding the capital outlay increase, the loss of the ambulance, and how the money is coming in and out of the fund. Ms. Nordyke replied this is directly accounting for that.

Mr. Danicic added he appreciates the Council's concerns with larger ending fund balances and emphasized staff makes their estimates in January, which is many months in advance and they are bound by the fact they cannot over-expend the budget.

VOTE: Approving **Resolution No. 2011-2973** approving Supplemental Budget #1 for the 2011-2012 Fiscal Year. Motion carried (7 Yes/0 No).

IX. NEW BUSINESS

1. Consider a motion accepting the Chehalem Valley Visitor Information Center's 2011-2012 First Quarter Report.

TIME – 8:22 PM

Ms. Sheryl Kelsh, Executive Director of Chehalem Valley Chamber of Commerce, presented the Visitors' Center report (see official meeting packet for full report).

Mr. Danicic asked if she has seen anyone running away from Newberg in this current business climate. Ms. Kelsh replied no and added business is in a holding pattern with tourism leading us out of economic decline. This means good things for all businesses in general.

Councilor McKinney commented the downtown looks healthier with more stores lit up; he offered kudos to the Chamber of Commerce and the Newberg Downtown Coalition (NDC) for their efforts.

MOTION: **Rierson/Bacon** accepting the Chehalem Valley Visitor Information Center's 2011-2012 First Quarter Report. Motion carried (7 Yes/0 No).

2. Consider a motion approving **Resolution No. 2011-2979** the Newberg Public Library Strategic Plan 2011-2014.

TIME – 8:32 PM

Ms. Leah Griffith, Library Director, and Mr. Geoff Godfrey, Library Board Chair, presented the staff report (see official meeting packet for full report).

Mayor Andrews asked them to convey to staff the Council's appreciation in their accomplishing tasks when things are not too good financially and offered compliments on providing a strategic plan. He and Councilor Witherspoon discussed adding additional language regarding fiscal impacts of requiring additional funds to accomplish the plans.

Councilor Shelton also supported including alternative funding sources being sought within the Plan.

Councilor McKinney said he was in favor of the resolution and did not wish the Library to be handcuffed by describing a specific amount, but at some point in time they should try to isolate how much funding is needed for implementation of the Plan because this needs to be a useful tool.

Councilor Witherspoon said he did not think a specific figure was needed, but when they talk about generating new sources of revenue, it is the statement of “requires additional funds” that is so open ended it can be seen as a license to spend. Mr. Danicic suggested an additional sentence stating, “The allocation of needed funds will be through the annual budgeting process or supplemental budget process.”

Mayor Andrews said this is in the introduction of the material and the resolution does not speak to funding so he did not feel it was necessary to wordsmith the executive summary. If something requires funding they will have to come back to Council and he would like it to be on the record that they are not adopting the fiscal impact of the executive summary, they are adopting the resolution. Mr. Danicic agreed when returning to the context of what is adopted then clarification is helpful, but in the big picture it is the resolution being adopted and it does not allocate any monies.

Mr. Godfrey mentioned the estimate for the Children’s Room remodel came down significantly from \$700,000.00 to approximately \$200,000.00 to \$260,000.00.

Mayor Andrews called for a recess at 9:07 PM and reconvened at 9:12 PM.

MOTION: Witherspoon/Rierson approving **Resolution No. 2011-2979** the Newberg Public Library Strategic Plan 2011-2014. Motion carried (7 Yes/0 No).

3. Consider a motion approving **Resolution No. 2011-2956** adopting an official City of Newberg logo design and guidelines for use.

TIME – 9:12 PM

Ms. Griffith presented the staff report (see official meeting packet for full report).

Councilor Witherspoon stated he does not like the City’s logo because it does not say who we are by showing a picture of Newberg in between the ocean and trees with no representation of its greatest resource of wine; he would like to suggest starting the process to look at the possibility of an entirely new logo.

MOTION: Howard/Bacon approving **Resolution No. 2011-2956** adopting an official City of Newberg logo design and guidelines for use. Motion carried (7 Yes/0 No).

Councilor Witherspoon suggested there should be a plan developed on what the process looks like and if funds are available first before creating the logo. Mr. Danicic clarified the desire of Council to have an initial report with a proposed process for adopting the new logo and what expenses there may be.

MOTION: Witherspoon/Howard direct staff to begin process of pursuing a new design for the City of Newberg logo and to move into a full branding concept for the City. Motion carried (7 Yes/0 No).

4. Consider a motion approving **Resolution No. 2011-2952** ratifying the Police Collective Bargaining Agreement expiring June 30, 2014.

TIME – 9:33 PM

Mr. Mahr presented the staff report mentioning dates and other grammatical discrepancies needing to be cleaned up (see official meeting packet for full report).

Mr. Chris Bolek, Police Captain and Mr. Nathan James, Police Officer and union representative, gave brief testimony regarding the process of coming to an agreement and were present to answer any questions.

Councilor Howard said it is always good to have constructive and not counter productive goals and asked about what the future may hold in response to increasing healthcare costs. Discussions followed on the importance of discussing possibilities to help alleviate possible increases in the future. Staff added in the past the association has marketed for more healthcare packages and there has been emphasis on and incentives for healthy activities and wellness to mitigate costs. Councilor Howard was happy to hear they were thinking about creative solutions.

Mr. Mahr stated he would be making the noted grammatical amendments for the final version of the approved document.

MOTION: McKinney/Rierson approving **Resolution No. 2011-2952** ratifying the Police Collective Bargaining Agreement expiring June 30, 2014. Motion carried (7 Yes/0 No).

X. COUNCIL BUSINESS

TIME – 9:59 PM

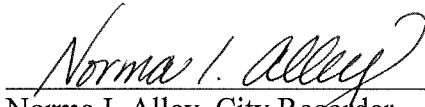
Mayor Andrews spoke of beginning the process of the roving gavel at the next meeting, asked about attendees for the Chehalem Youth and Family Services (CYFS) Ignite the Light event tomorrow, and offered a donation of Christmas lights to decorate City Hall.

Councilor Howard gave updates on the Drug Take Back with 104 pounds of drugs collected and stated that the lower numbers may indicate the permanent location for prescription drop-off may be reaching the intended audience as they have been regularly been collecting 30-40 pounds every few weeks. He spoke of ideas to get the word out to more about the drop-box.


XI. ADJOURNMENT

The meeting adjourned at 10:11 PM.

ADOPTED by the Newberg City Council this 5th day of December, 2011.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of December, 2011.


Bob Andrews, Mayor